

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
vs.) Case No. 1:04-cr-128
JERRY R. LIVINGSON) JUDGE COLLIER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on September 15, 2011, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (Petition) of U.S. Probation Officer Donna Rankin and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA James Brooks for the USA.
- (2) Defendant JERRY R. LIVINGSTON.
- (3) Attorney Mary Ellen Coleman for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was APPOINTED to represent the defendant. It was determined the defendant had been provided with a copy of the Petition and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing and detention hearing.

AUSA Brooks moved defendant be detained pending a hearing to determine whether his term of supervision should be revoked.

Findings

(1) Based upon U.S. Probation Officer Donna Rankin's petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

- (1) The defendant shall appear in a revocation hearing before Chief U.S. District Judge Curtis L. Collier.
- (2) The motion of AUSA Brooks that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.
- (3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, September 29, 2011, at 9:00 am.**

ENTER.

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE